

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Figures 1 and 2 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet containing informal drawings of Figures 1 and 2.

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended on pages 1 and 4.

Claim 6 has been canceled. Applicants hereby retain the right to pursue the features of claim 6 in this application and/or another related application.

New claims 8-15 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5, and 7-15 are now pending in this application.

Objections to the Drawing

The drawings are objected to for not showing the subject matter of claim 6 and for being informal drawings of low quality. Enclosed with this response are new formal drawings of Figures 1 and 2. Claim 6 has been canceled. Applicants respectfully submit that the amendments to the drawings and claims render these objections moot. Reconsideration and withdrawal of these objections is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants respectfully submit that the amendments to the claims render these rejections moot. Furthermore, one of ordinary skill in the art would understand the meaning and scope of the terms “electrical motor regulator for the blower motor” and “decoupler” based on the claim language and the disclosure of Applicant’s application. For example, the regulator is discussed in Applicant’s specification at page 4, lines 21-27, and page 6, lines 16-30, and the decoupler is discussed in Applicant’s specification at page 5, line 6, to page 6, line 14. Reconsideration and withdrawal of these rejections is respectfully requested.

Rejection under 35 U.S.C. § 102/103

Claims 1-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over JP 60-099712 to Kawada *et al.* (hereafter “Kawada”). This rejection is respectfully traversed.

The Examiner states on pages 4-5 of the Office Action that the EP Search Report cited Kawada as an “X” reference but that, because Kawada is in Japanese instead of English, the Examiner is relying on the EPO examiner’s findings regarding Kawada.

Applicants note the PTO’s statements regarding translations of Kawada into German and/or English which appear on page 4 of the Office Action. Applicants wish to direct the Examiner’s attention to MPEP §2010 which states that “the Office will not comment upon duty of disclosure issues.” Applicants submit that the Examiner’s statements regarding translations on page 4 of the Office Action are improper and request that they be stricken from the record.

Applicant’s Representative has inquired of the IP Department at Behr GmbH & Co. KG (the Assignee of the present application, hereafter “Behr”) and has confirmed that Behr does not a translation of Kawada into either German or English. Although they are not required to do so, as a courtesy to the Examiner, Applicants checked the Japanese Industrial Property Digital Library website to attempt to obtain a machine translation of Kawada; however, because of the age of this reference, a machine translation was unavailable. Applicants note that they submitted an English-language abstract for Kawada when they cited the document to the USPTO in the Information Disclosure Statement dated December 2, 2005.

Applicants wish to direct the Examiner’s attention to MPEP §901.05(d), which Applicants reproduce below for reference:

901.05(d) Translation [R-5]

Examiners may consult the translators in the Translations Branch of the Scientific and Technical Information Center (STIC) for oral assistance in translating foreign patents or literature that are possible references for an application being examined. Examiners may also request written translations of pertinent portions of references being considered for citation or already cited in applications. See MPEP § 901.06(a), STIC Services - Translations, and MPEP § 903.03, Availability of Foreign Patents.

Examiners may request written translations at any point in the examination process, at the discretion of the individual examiner, but are encouraged to use oral assistance and/or language reference resources as much as possible in the early phases of examination. Effective January 1, 2004, the Translations Branch will use e-mail as the sole delivery method for written translations. Paper copies of the translation request form, the foreign document and the translation will no longer be returned to the examiner. Therefore, it is important that examiners submit to STIC only copies of the foreign documents to be translated, and retain the original documents.

Translation service requests can be submitted electronically, via phone, or by fax to STIC. More information is available at: http://ptoweb/patents/stic**.

Equivalent versions of foreign specifications, that is, members of the same patent family, are often available in English or other languages known to the examiner. In addition, copies of previously translated documents are stored in the Translations Branch. Before any translation request is processed, the staff of the Translations Branch checks for equivalents or previous translations. The staff of STIC's Foreign Patent and Scientific Literature Branch or the Translations Branch can assist examiners in locating equivalents or abstracts. See MPEP § 901.06(a), STIC Services - Foreign Patent Services.

In view of the Examiner's interest in Kawada, Applicants suggest that the Examiner take advantage of the PTO's translation service to obtain a translation of Kawada.

Since the Examiner has based his rejection on the citation of Kawada as an "X" reference in the European Search Report, Applicants wish to inform the Examiner that the corresponding European application has now issued as European patent, EP 1 633 582. A copy of EP 1 633 582 is being submitted herewith. Page 4 of this European patent includes a copy of the issued claims in English.

Applicants note that although Kawada was cited as an "X" reference, the European examiner issued EP claim 1, which recites an air conditioner of an air conditioning system of a motor vehicle wherein, among other things, "components are arranged on the housing cover."

Claim 1 of the present application currently recites an air conditioner of an air conditioning system of a motor vehicle comprising, among other things, a housing, having a removable housing cover, in which components are arranged, wherein the components are arranged on the housing cover. Claims 2-5 and 7 depend from claim 1.

Applicants respectfully submit that Kawada does not disclose or suggest an air conditioner with components arranged on a housing cover, as recited in claim 1. For example, the drawings of Kawada do not show components of an air conditioner that are arranged on a housing cover, as recited in claim 1.

In addition, Applicants note that although the European examiner initially cited Kawada as an “X” reference, a European patent was issued over Kawada with similar language to claim 1 of the current application. Applicants submit this fact as further evidence that Kawada does not disclose or suggest all of the features of claim 1.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-7 over Kawada and JP 59-057015

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawada in view of JP 59-057015 (“hereafter “JP ‘015”). This rejection is respectfully traversed. JP ‘015 fails to remedy the deficiencies of Kawada discussed above because JP ‘015 also fails to disclose or suggest components of an air conditioner that are arranged on a housing cover, as recited in claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-7 over Kawada and U.S. 4,672,819 or Kawada, JP’ 015, and U.S. 4,672,819

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawada in view of U.S. Patent No. 4,672,819 to Mino *et al.* (hereafter “Mino”) or Kawada and JP’ 015 in view of Mino. This rejection is respectfully traversed. Mino fails to remedy the deficiencies of Kawada and JP ‘015 discussed above because Mino does not disclose or suggest components of an air conditioner that are arranged on a housing cover, as recited in claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 2 over Kawada and U.S. 6,262,504 or Kawada, JP '015, and U.S. 6,262,504

Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawada in view of U.S. Patent No. 6,262,504 to Bartlett (hereafter "Bartlett") or Kawada and JP '015 in view of Bartlett. This rejection is respectfully traversed. Bartlett fails to remedy the deficiencies of Kawada and JP '015 discussed above because Bartlett fails to disclose or suggest components of an air conditioner that are arranged on a housing cover, as recited in claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

New claim 8-15 have been added. Claim 8 depends from claim 1 and is allowable over the prior art for at least the reasons discussed above and for its respective additional recitations.

Claim 9 recites an air conditioner of an air conditioning system of a motor vehicle comprising a housing, having a removable housing cover, in which the following components are arranged: at least one blower motor, at least one impeller, at least one blower motor mounting, and at least one electrical motor regulator for the blower motor, wherein each of the components are arranged on the housing cover. Claims 10-15 depend from claim 9. As discussed above in regard to claim 1, the references relied upon the Examiner do not disclose or suggest that each component of an air conditioner are arranged on a housing cover, as recited in claim 9.

CONCLUSION

Applicants submit that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the

Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 4/22/09

By 

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